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Serial No. 09/686,572

REMARKS

Entry of this Amendment and reconsideration are respectfully requested in view of the amendments made to the claims and for the remarks made herein.

Claims 2-6, 8 and 13-18 are pending and stand rejected. Claims 13, 14, 15, 17 and 18 have been amended.

Claims 2-6, 13, 14, 15 and 17 stand rejected under 35 USC 112, first paragraph for failing to comply with the written description requirement.

Applicant respectfully disagrees with, and explicitly traverses, the reason for rejecting the claims. The instant patent application recites on page 4, lines 15-26, "[t]he invention enables the following scenario. The user notifies a dedicated server on the internet of the purchase of the type, band, serial number, etc., of a new CE apparatus for which he/she would like [to] add the codes to the universal programmable remote. The remote has a touch screen and display monitor. The new apparatus has come with a simple proprietary remote. The server now downloads to the user's home network the control codes in XML format, plus a tagged file for creating a bitmap of the proprietary remote on the universal remote's display monitor. When the control codes and data for the bitmap generation have been installed, the user can control the apparatus through the virtual remote displayed on the universal remote touch screen display monitor. Touching the screen in the location of a graphic representation of a proprietary remote's button causes the universal remote to send the corresponding IR or RF code."

Accordingly, the instant specification clearly states that codes are provided to a remote device over a bidirectional data network (the internet) and the codes are used to cause codes or commands to be sent over an IR or RF network that is independent of the bidirectional data network. Similarly, the instant application in describes Figure 1 as being a "block diagram with main components of an information processing system 100 in the invention. System 100 comprises a server 102 connection via the Internet 104 ...Device 198 has a transmitter 112 for sending an IR-control code or an RF-control code to electronics equipment (not shown), such as TVs, VCRs, CD players, STB's, DVD players ...".

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Accordingly, one skilled in the art would, from the description provided in the instant application, understand that the IR or RF networks are independent of the bidirectional data network.

For at least this reason, applicant submits that the reason for the rejection has been overcome and cannot be sustained. Applicant respectfully requests that the rejection be withdrawn and the claims allowed.

Claims 2-6, 8, and 13-18 stand rejected under 35 USC 112, second paragraph, as failing to set forth the subject matter which applicant regards as their invention. More specifically, claims 13-18 fail to correspond in scope with that which applicant(s) regard as the invention. The Office Action states that the description of the invention stated in applicant's prior response is different from that claimed.

Applicant respectfully disagrees with, and explicitly traverses, the reason for rejecting the claims. Applicant believes that the Office Action is referring to the statement in applicant's response to the prior Office action "[i]nstead, the present invention uses XML codes to represent (1) command signals that control the state of an apparatus, e.g., on/off, louder/lower, channel selection; and (2) associated GUI elements for the control device. The controlled apparatus does not need to have XML functionality because the control codes are converted to a signal the apparatus was intended to receive and process."

Applicant respectfully believes that the statement made has been misinterpreted in that the control code, which are represented in XML format are representative of command codes. The controls codes are converted to codes or commands that are applied as IR or RF signal that are transmitted an apparatus to control the apparatus. The invention as recited in the claims and described in the description is clear that the codes are converted to commands that are transmitted to an apparatus using an IR or RF network.

For at least this reason, applicant believes that the reason for the rejection has been overcome and respectfully requests that the rejection be withdrawn.

With regard to claim 17, applicant has amended the claim to more clearly state the invention.

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For the amendments made to claim 17, applicant believes that the reason for the rejection has been overcome and respectfully requests that the rejection be withdrawn.

Claims 13, 2, 3 and 14-17 stand rejected under 35 USC 103(a) as being unpatentable over Yang (USP no. 6,133,847) in view of Humpleman (USP no. 6, 546,419).

Applicant respectfully disagrees with, and explicitly traverses, the reason for rejecting the claims. However, in the interest of advancing the prosecution of this matter the independent claims have been amended to more clearly state the invention with regard to the transmission of codes by IR and RF networks.

Independent claim 13 recites:

> "wherein the apparatus is not pre-configured to deliver or cause delivery of its respective control code to the control device"

Applicant submits that neither of the cited references, taken alone or in combination, teach or suggest the above-identified limitation of claim 13.

Yang discloses a remote control device (remote control 100) that is able to be programmed after initial manufacture to accommodate the control of additional apparatuses. The remote control device includes a multi-functional, interchangeable user interface where the interface used is modified that it is able to control the functions of a variety of different types of apparatuses. (see Abstract). Yang further discloses that:

> "[d]ata interface 110 also includes transmitter 114. Transmitter 114 transmits the function control signals from remote control device 100 to appliance 160 over data link 150 in order to control the application. The function control signals for a particular appliance are generated by the remote control device by utilizing the programming software that is **downloaded from the appliance**.... Data link 150 is utilized for both **downloading programming code from the appliance to the remote control device** and for transmitting the function control signals from the remote control device to the appliance.... Data interface 110 in addition to receiving the **downloaded programming software code from the appliance**, also receives an interface control signal from the appliance over the data link 150. Because remote control 100

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has the capability to control various appliances, and has
programming code for controlling all of these appliances
stored in memory 120 of the remote control device, the remote
control device must know which appliance is to control and
therefore which software programming code to retrieve from
memory 120 in order to control that particular appliance. In
order to allow the remote control device to access the
appropriate programming code from memory to control the
particular appliance to be controlled, an **interface control
signal is transmitted from the appliance** to the remote
control device." (see col. 3, lines 30-53). (emphasis added).

Yang, accordingly, teaches a system wherein appliance 160 is pre-
configured to provide associated programming codes and identification signals to remote
control device 100 to enable the remote control device 100 to determine which
programming codes are to be used.

The Office Action refers to col. 7, lines 53-55 for teaching that the
appliances are not preconfigured to provide identification information (i.e., claim element
" wherein the apparatus is not pre-configured to deliver or cause delivery of its respective
control code to the control device."). However, a reading of this section reveals that
Yang teaches a centralized LAN controller 505 that provides an interface between
appliances and the control device. The controller provides the control device with the
programming codes of the appliances found on the device and their identity. This
operation is consistent with the teachings of Yang in that the programming codes are
downloaded to the control device and the control device requires some identification
information to cause the control device to access the appropriate programming code.
Accordingly, the appliances of Yang must be configured to provide the necessary
information to the control device, even through the LAN controller 505.

Hence, contrary to the statements made in the Office Action, Yang fails to
teach the claim element "apparatus is not pre-configured to deliver or cause delivery of
its respective control code to the control device," as is recited in the claims.

Humpleman is cited to teach that XML markup language may be
incorporated into the teachings of Yang. That is, the programming codes of Yang may be
provided in an XML markup language.

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A claimed invention is prima facie obvious when three basic criteria are met. First, there must be some suggestion or motivation, either in the reference themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine the teachings therein. Second, there must be a reasonable expectation of success. And, third, the prior art reference or combined references must teach or suggest all the claim limitations.

With reference to claim 13, even if there were some motivation to combine the references cited, which applicant does not believes exists, the combination of Yang and Humpleman would not render obvious the subject matter recited as the combination of Yang and Humpleman fails to teach or suggest all the claim elements claimed. The combination fails to teach that the apparatus are not pre-configured to deliver or cause delivery of its respective control code to the control device.

Having shown that the combined device fails to disclose all the elements claimed, applicant submits the reason for the rejection has been overcome and can no longer be sustained. Applicant respectfully requests withdrawal of the rejection and allowance of the claim.

With regard to the remaining independent claims, these claims recite subject matter similar to that recited in claim 13 and were rejected citing substantially the same references used in rejecting claim 13. Thus, applicant's remarks made in response to the rejection of claim 13 are also applicable in response to the rejection of the remaining independent claims. Applicant submits that in view of the amendments made to the claims and for the remarks made with regard to the rejection of claim 13, which are reasserted, as if in full, in response to the rejection of the remaining independent claims, the reason for the rejection of these claims has been overcome and the rejection can no longer be sustained. Applicant respectfully requests withdrawal of the rejection and allowance of the claims.

The other claims in this application are each dependent from the independent claim discussed above and are therefore believed patentable for the same reasons. Since each dependent claim is also deemed to define an additional aspect of the

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invention, however, the individual consideration of the patentability of each on its own merits is respectfully requested.

Claims 18 and 4 stand rejected under 35 USC 103(a) as being unpatentable over Yang in view of Humpleman and further in view of Jackson (USP no. 5,963,264).

With regard to claim 18, this claim recites subject matter similar to that recited in claim 13. Hence, claim 18 includes subject matter not recited in the combined teachings of Yang and Humpleman and Jackson fails to provide any teaching to correct this deficiency. Accordingly, the invention recited in claim 18 is not rendered obvious by the teachings of Yang, Humpleman and Jackson, as the combined device fails to recite all the elements claimed in independent claim 18.

For at least this reason, applicant submits that the reason for the rejection has been overcome and respectfully requests that the rejection be withdrawn.

Claim 4 depends from claim 13, which has been shown to include subject matter not recited in the combined teachings of Yang and Humpleman and Jackson fails to provide any teaching to correct this deficiency. Accordingly, the invention recited in claim 4, which depends from claim 13, is not rendered obvious by the teachings of Yang, Humpleman and Jackson, as the combined device fails to recite all the elements claimed in independent claim 12 and consequently, claim 4.

For at least this reason, applicant submits that the reason for the rejection has been overcome and respectfully requests that the rejection be withdrawn.

Claims 5, 6 and 8 stand rejected under 35 USC 103(a) as being unpatentable over Yang in view of Humpleman and further in view of Mitani (USP no. 6,466,233).

These claims depend from the independent claims which have been shown to include subject matter not disclosed by the combined teachings of Yang and Humpleman. Mitani is cited for teaching supplying a GUI element for use on the control device. However, Mitani fails to correct the deficiency found to exist in the combination

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of Yang and Humpleman.   Accordingly, these claims are not rendered obvious by the

combination of Yang, Humpleman and Mitani as the combination fails to disclose all the

elements recited in the claims.

   For all the foregoing reasons, it is respectfully submitted that all the

present claims are patentable in view of the cited references.   A Notice of Allowance is

respectfully requested.

         Respectfully submitted,

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